

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

05-CR-6062L

10-CV-6472L

v.

FREDERICK ROLLE,


Defendant.

This defendant was sentenced on September 5, 2006. His appeal to the United States Court of Appeals for the Second Circuit was dismissed on March 19, 2007.

Rolle had moved to vacate the judgment pursuant to 28 U.S.C. § 2255 on January 29, 2007 (Dkt. #165). This Court denied the motion and dismissed the § 2255 proceeding on April 23, 2007 (Dkt. #175). Rolle filed another motion for post conviction relief on January 19, 2010, and this Court denied that motion (Dkt. #184).

Rolle now brings another motion to vacate pursuant to 28 U.S.C. § 2255 (Dkt. #187). There is no basis in the one paragraph, one page motion that warrants relief. To the extent Rolle references new statutes enacted in 2009, they are not retroactive and have no bearing on Rolle's case. Therefore, the motion of Frederick Rolle, *pro se*, (Dkt. #187), is in all respects denied.

IT IS SO ORDERED.



DAVID G. LARIMER

United States District Judge

Dated: Rochester, New York
August 27, 2010.